

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAYS INNS WORLDWIDE, INC., a
Delaware Corporation, f/k/a DAYS INNS
OF AMERICA, INC.,

Plaintiff,

v.

ADRIAN MOTEL COMPANY, LLC, a
Michigan Limited Liability Company;
ISMAT (MATT) KARMO, an individual;
MAZIN BARBAT, an individual; JEHAN
BARBAT, an individual; YELDA ATTY, an
individual; FERIS ATTY, an individual;
JAMAL S. KALABAT, an individual;
LENAWEE HOTEL, INC., a Michigan
Corporation; and ADRIAN PROPERTIES,
LLC, a Michigan Limited Liability
Company,

Defendants.

Case No. 07-13523

Hon. Lawrence Zatkoff

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*Attorneys for Defendants Jamal S. Kalabat,
Lenawee Hotel, Inc. and Adrian Properties, LLC*

STIPULATED ORDER GRANTING PRELIMINARY INJUNCTION

This matter is before the Court on Plaintiff Days Inns Worldwide, Inc. f/k/a Days Inns of America, Inc. (“DIW” or “Plaintiff”) Verified Complaint and Motion for Preliminary Injunction filed against Defendants Jamal S. Kalabat (“Kalabat”), Lenawee Hotel, Inc. (“Lenawee”) and Adrian Properties, LLC (“Adrian Properties”) (collectively, the “Kalabat Defendants”), and any affiliates, subsidiaries, officers, agents, servants, employees and attorneys, and all those acting in concert or participating with them, pursuant to Rule 65(a) of the Federal Rules of Civil Procedure. Plaintiff’s Motion for Preliminary Injunction seeks to enjoin the Kalabat Defendants from further unauthorized use of the Days Inns® trade names, service marks and logos as described in the Verified Complaint (the “Days Inns® Marks”), or the use of names, marks and logos confusingly similar to the Days Inns® Marks. The parties hereto have consented and agreed to the terms and conditions of the within Order and good cause having been shown:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Kalabat Defendants and all of their agents, officers, servants, employees, independent contractors and attorneys, and all those acting in concert or participating with them, are hereby preliminarily restrained and enjoined from: (1) marketing and promoting guest lodging services and other related guest lodging services through use of the Days Inns® Marks such that the origin of those services are falsely designated as being those of Days Inns®, or designated in a manner that is confusingly similar to those of Days Inns®; and (2) representing and holding out to the public that the former Days Inns® guest lodging facility located at 1575 West Maumee Street, Adrian, Michigan, Site No. 9937-20566-1 (the “Facility”) is a member of the Days Inns® franchise system;

IT IS FURTHER ORDERED that the injunction described above encompasses, but is not limited to, the use with the public at large (including, but not limited to, customers and potential customers) of any and all print or telecommunications advertisements, drafts, labels, signs, flyers, billboards, stationery, envelopes, applications, booklets, brochures, manuals, clothing, catalogues, circulars, pamphlets, periodicals, bulletins, instructions, minutes, other communications, purchase orders, contracts, agreements, options to purchase, deeds, memoranda of agreements, assignments, licenses, books of account, orders, accounts, working papers, plans, internet sites, domain names, and/or e-mail and e-mail addresses that display or relate, in any manner, to the Days Inns® Marks, any derivation of the Days Inns® Marks or names and marks confusingly similar to the Days Inns® Marks, and requires that the Kalabat Defendants shall take reasonable steps to ensure de-identification by third parties;

IT IS FURTHER ORDERED that the Kalabat Defendants and any of their employees, agents, servants, officers, independent contractors and attorneys, and all those who act in concert or participation with them: (1) completely cover, remove or replace those portions of any signage bearing any of the Days Inns® Marks; and (2) discontinue the use of the Days Inns® name in association with the Facility and elsewhere, including but not limited to, removing or replacing the Days Inns® name on any signs, billboards, and business cards;

IT IS FURTHER ORDERED that the de-identification described above shall be completed on or before October 22, 2007; and

IT IS FURTHER ORDERED that in the event that the Kalabat Defendants fail to comply with the requirements described above on or before October 22, 2007, then DIW is hereby authorized to exercise its right of self-help as set forth in Section 13 of the License Agreement between DIW and Defendant Adrian Motel Company, LLC. Among other things,

DIW will have the right to enter the Facility and the surrounding property, directly or through the services of a third party independent contractor, for purposes of removing or covering any exterior or interior signage or items bearing the Days Inns® trade names, trademarks and/or service marks, including any billboards located on or off the premises. Thereafter, the Kalabat Defendants will be required to reimburse DIW for the cost removing or covering any such items, net of a \$10.00 purchase price for any signage that has been removed.

IT IS FURTHER ORDERED that this Order shall issue and be enforceable without the posting of security by DIW pursuant to Fed. R. Civ. P. 65(c).

SO ORDERED this 18th day of October, 2007.

s/Lawrence P. Zatkoff

UNITED STATES DISTRICT JUDGE

WE STIPULATE AND AGREE TO THE FORM AND ENTRY OF THIS ORDER:

/s/ Mark S. Papazian (w/permission)

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